

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

HORACIO MEJIA-CRUZ

PLAINTIFF

VS.

CIVIL ACTION NO. 5:11CV75-DCB-RHW

UNKNOWN BEASLEY

DEFENDANT

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court, and there being no objections thereto filed by either party, and the Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge Robert H. Walker be, and the same is hereby, adopted as the finding of this Court, and Plaintiff's complaint is dismissed with prejudice for failure to state a claim upon which may be granted; or, in the alternative, that the complaint be dismissed without prejudice for failure to prosecute.

A separate judgment will be entered herein in accordance with the Order as required by

Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 13th day of July, 2012.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE